

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose JUAREZ-Sandoval,

Defendant

Magistrate Docket No.

'08 MJ 0746

COMPLAINT FOR VIOLATION OF: *KWA*

Title 8, U.S.C., Section 1326

Attempted Entry After

Deportation

The undersigned complainant, being duly sworn, states:

On or about **March 9, 2008** within the Southern District of California, defendant, **Jose JUAREZ-Sandoval**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose, i.e. conscious desire, to enter the United States at or near the San Ysidro, California Port of Entry, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

James Trombley

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 10th of MARCH 2008

Lee S. Papas
Lee S. Papas

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Jose JUAREZ-Sandoval

PROBABLE CAUSE STATEMENT

On March 9, 2008 at approximately 5:25 A.M. Border Patrol Agent M. Quintero was working assigned line watch duties in the Imperial Beach Border Patrol Station's area of operations. A Remote Video Surveillance System (RVSS) operator advised Agent Quintero, that there were eight individuals jumping over the primary border fence in an area known as "Echo 1 ½." This area is located approximately one hundred yards north of the United States/Mexico International Border, and one mile east of the San Ysidro, California Port of Entry.

Agent Quintero responded to the area and encountered eight individuals. Agent Quintero identified himself as a Border Patrol Agent and conducted an immigration inspection on all eight individuals. All eight, including one later identified as defendant **Jose JUAREZ-Sandoval**, admitted that they were citizens and nationals of Mexico not in possession of any immigration documentation that would allow them to enter or remain legally in the United States. At approximately 5:30 AM, all individuals, including the defendant, were arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed an immigration history. The defendant's record was determined by a comparison of his immigration record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on September 1, 2006 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights in the Spanish language. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.